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12 *Counsel for Uber Technologies, Inc.,*

14 **UNITED STATES BANKRUPTCY COURT**
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

16 In re:

Case No. 20-30242 (HLB)

17 ANTHONY SCOTT LEVANDOWSKI,

Chapter 11

18 Debtor.

19 ANTHONY SCOTT LEVANDOWSKI, an
individual,

Adv. Pro. No. 20-03050 (HLB)

20 Plaintiff,

**JOINT STIPULATION FOR ORDER
REGARDING COMMON CONTROL &
DEPOSITIONS**

21 v.

22 UBER TECHNOLOGIES, INC.

23 Defendant.

25 Defendant Uber Technologies, Inc. (“Uber”), Plaintiff Anthony Levandowski (“Plaintiff” or
26 “Mr. Levandowski”), Intervenor Google LLC (“Google”), and non-party, Waymo LLC (“Waymo”),
27 by and through their respective counsel of record, hereby stipulate and agree as follows:
28

1 WHEREAS, Uber has noticed a Rule 30(b)(6) deposition of a corporate representative of
2 Waymo and a Rule 30(b)(6) deposition of a corporate representative of Google on a number of
3 topics, including whether Waymo and Google were under common control;

4 WHEREAS, Waymo and Google are willing to stipulate to certain facts related to the
5 common control question that, if established, would make it unnecessary to depose them on that
6 topic;

7 WHEREAS, Mr. Levandowski has agreed to stipulate that if they testified, the corporate
8 representatives of Google and Waymo would testify to these agreed facts and that a stipulation to that
9 effect may be submitted into evidence at trial in lieu of such testimony;

10 WHEREAS, Uber, Mr. Levandowski, and Google have met and conferred and enter into this
11 stipulation so as streamline both discovery and trial;

12 NOW THEREFORE, IT IS HEREBY STIPULATED and agreed by and among Uber,
13 Google, Waymo, and Mr. Levandowski, that:

14 If called to testify, one or more competent Google corporate representatives and one or more
15 competent Waymo corporate representatives would testify that:

16 1) From its inception on August 5, 2016 to date, Waymo LLC (originally named Way
17 Autonomy LLC) has been a controlled subsidiary of Alphabet Inc.

18 2) From its inception until September 30, 2017, Waymo LLC was also a controlled
19 subsidiary of Google Inc. (which was renamed Google LLC on September 30, 2017 and is also a
20 controlled subsidiary of Alphabet Inc.).

21 3) On October 1, 2017, Waymo ceased to be a subsidiary of Google LLC and became a
22 sister company of Google LLC under the common control of Alphabet Inc.

23 4) Waymo LLC did not have any employees until Google LLC transferred Chauffeur-
24 related assets to Waymo LLC on January 1, 2017.

25 NOW THEREFORE, IT IS HEREBY AND FURTHER STIPULATED and agreed by and
26 between Uber, Google, and Mr. Levandowski that:

A) Subject to this Court's approval, this stipulation shall be admitted into evidence for the purpose of establishing the facts set forth in the four numbered paragraphs above, and that Mr. Levandowski agrees that he shall not dispute at trial the truthfulness of those facts;

B) In consideration of this stipulation, Uber will withdraw from its Rule 30(b)(6) notices of Uber and of Waymo, the topics noticed as Number 1 in Uber's Rule 30(b)(6) notice to Waymo and as Number 2 in Uber's Rule 30(b)(6) notice to Google.

Dated: January 28, 2021

PACHULSKI STANG ZIEHL & JONES LLP

By /s/ Debra I. Grassgreen
Debra I. Grassgreen
Miriam Manning

--and--

JENNER & BLOCK LLP
David J. Bradford
Catherine Steege
Terri L. Mascherin
Katharine R. Ciliberti

Counsel for Uber Technologies, Inc.

Dated: January 28, 2021

GOODWIN PROCTER LLP

By *s/Brett M. Schuman*
Brett M. Schuman
Rachel M. Walsh
Hong-An Vu

Counsel for Plaintiff and Debtor and Debtor in Possession Anthony Levandowski

Dated: January 28, 2021

MUNGER, TOLLES & OLSON LLP

By */s/ John W. Berry*
John W. Berry

Counsel for Google LLC.

1 Dated: January 28, 2021

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4 LLP
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By /s/Jordan Jaffe
Jordan Jaffe

Counsel for Waymo LLC.